

3033. Misbranding of Vita Orange. U. S. v. 21 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28288, 28321. Sample Nos. 63019-K, 63033-K.)

LIBELS FILED: November 14 and 25, 1949, District of Maine.

ALLEGED SHIPMENT: On or about October 7 and November 4, 1949, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 85 cases, each containing 6 ½-gallon jugs, of *Vita Orange* at Wells and Waterville, Maine. Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color.

LABEL, IN PART: (Jug) "Vita Orange with Vitamins added."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Vita Orange" on the bottle label and certain statements in an accompanying circular entitled "The Good Morning to Health" were false and misleading. The name and the statements represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health, healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and in the prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 30, 1950. Default decrees of condemnation and destruction.

3034. Misbranding of estrogenic hormone creams. U. S. v. 94 Jars, etc. (F. D. C. No. 27873. Sample No. 57635-K.)

LIBEL FILED: September 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 15, 18, and 29, and July 20, 1949, by the Up-To-Date Cosmetic Co., from New York, N. Y.

PRODUCT: 94 3-ounce jars and 30 1-ounce jars of *Estron-Hormone Cream*, 30 1-ounce jars of *Estro Turtle Hormone Cream*, and 81 1-ounce jars of *Estrogenic Hormone Cream* at Newark, N. J., together with a number of circulars entitled "Help Nature As The Years Pass By!" and a number of placards entitled "Estro-Turtle Cream."

LABEL, IN PART: "Estron-Hormone Cream with Petrolatum, Lanolin Mexican Turtle Oil * * * contains 7,500 units of natural estrogenic hormones per ounce, with 85% estrone," "Estro Turtle Hormone Cream with Lanolin * * * contains 7,500 int. units of natural estrogenic hormones," and "Estrogenic Hormone Cream Cont. 7,500 IU nat. estrogenic hormones per oz. (85% estrone)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the articles were false and misleading since the articles were not effective in the conditions or for the purposes stated and implied: (*Estron-Hormone Cream*) "To help freshen the appearance of faded and aged skin" and "These ingredients contain the glandular oils, present in young skins, which day by day diminish after 30 years of age. It helps to erase throat lines, neck lines and eye lines—and helps stimulate undernourished